

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

LESLIE L. BURKHARDT,)	
)	
Plaintiff,)	
)	
v.)	No. 1:21-cv-02341-SEB-MJD
)	
PENNSYLVANIA HIGHER EDUCATION)	
ASSISTANCE AGENCY, et al.,)	
)	
Defendants.)	

REPORT AND RECOMMENDATION
HON. MAGISTRATE JUDGE MARK J. DINSMORE

This matter was filed by Plaintiff on August 26, 2021 [[Dkt. 1](#)], and summonses were issued on August 27, 2021 [[Dkt. 3](#)]. On December 10, 2021, the Court issued an Order to Show Cause, instructing Plaintiff to show cause as to why this action should not be dismissed due to Plaintiff's failure to comply with [Fed. R. Civ. P. 4\(m\)](#) and Plaintiff's failure to prosecute pursuant to [Fed. R. Civ. P. 41\(b\)](#) by **December 29, 2021**. [[Dkt. 5](#)]. To date, Plaintiff has not filed a response to the Court's Order to Show Cause has been filed.

A district court has the inherent authority to impose sanctions on a party for the "'willful disobedience of a court order.'" See [Trzeciak v. Petrich](#), 2014 WL 5488439, at *1 (N.D. Ind. Oct. 29, 2014) (quoting [Chambers v. NASCO, Inc.](#), 501 U.S. 32, 45 (1991)). This power is governed "not by rule or statute but by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases." [Barnhill v. U.S.](#), 11 F.3d 1360, 1367 (7th Cir. 1993) (internal quotation and citation omitted). A court's inherent powers are to be used "to reprimand the offender" and "to deter future parties from trampling on the integrity of the court." [Dotson v. Bravo](#), 321 F.3d 663, 668 (7th Cir. 2003)). The sanction imposed by a court

"should be proportionate to the gravity of the offense." *Montaño v. City of Chicago*, 535 F.3d 558, 563 (7th Cir. 2008).

As noted above, Plaintiff has failed to respond to the Court's Order to Show Cause [[Dkt. 5](#)], and therefore, Plaintiff has failed to comply with the Court's Order. Accordingly, the Magistrate Judge recommends that Plaintiff's claims in this matter be dismissed for failure to comply with the Court's Order and [Fed. R. Civ. P. 4\(m\)](#), as well as for Plaintiff's failure to prosecute this action pursuant to [Fed. R. Civ. P. 41\(b\)](#).

Any objections to the Magistrate Judge's Report and Recommendation shall be filed with the Clerk in accordance with [28 U.S.C. § 636\(b\)\(1\)](#) and [Fed. R. Civ. P. 72\(b\)](#), and failure to timely file objections within fourteen days after service of this Order shall constitute a waiver of subsequent review absent a showing of good cause for such failure.

SO ORDERED.

Dated: 12 JAN 2022

A handwritten signature in black ink, appearing to read "Mark J. Dinsmore", written over a horizontal line.

Mark J. Dinsmore
United States Magistrate Judge
Southern District of Indiana

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